

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2094

Introduced by Assembly Member Torrico

February 18, 2010

~~An act to amend Section 13711 of the Penal Code, relating to domestic violence. An act to amend Sections 12803 and 12838 of, and to repeal Section 12838.3 of, the Government Code, relating to juvenile justice.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2094, as amended, Torrico. ~~Domestic violence: restraining order. Juvenile justice.~~

Existing law provides that the Department of Corrections and Rehabilitation includes Juvenile Justice.

This bill would repeal that provision and instead create the Division of Juvenile Justice within the California Health and Human Services Agency. The bill also would make other conforming changes.

Existing law creates within the Department of Corrections and Rehabilitation under the Chief Deputy Secretary for Juvenile Justice, the Division of Juvenile Facilities, the Division of Juvenile Programs, and the Division of Juvenile Parole Operations.

This bill would instead create those positions and divisions within the California Health and Human Services Agency.

~~Existing law requires that whenever a protection order with respect to domestic violence incidents is applied for or issued, it shall be the responsibility of the clerk of the superior court to distribute a pamphlet to the person who is to be protected by the order that includes the specified elements.~~

~~This bill would require the clerk to deliver the pamphlet to the person who is to be protected by the order.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 12803 of the Government Code is*
2 *amended to read:*

3 12803. (a) The California Health and Human Services Agency
4 consists of the following departments: Health Care Services;
5 Mental Health; Developmental Services; Public Health; Social
6 Services; Alcohol and Drug Abuse; Aging; Rehabilitation; and
7 Community Services and Development.

8 (b) The agency also includes the Office of Statewide Health
9 Planning and Development and the State Council on
10 Developmental Disabilities.

11 (c) The Department of Child Support Services is hereby created
12 within the agency commencing January 1, 2000, and shall be the
13 single organizational unit designated as the state's Title IV-D
14 agency with the responsibility for administering the state plan and
15 providing services relating to the establishment of paternity or the
16 establishment, modification, or enforcement of child support
17 obligations as required by Section 654 of Title 42 of the United
18 States Code. State plan functions shall be performed by other
19 agencies as required by law, by delegation of the department, or
20 by cooperative agreements.

21 (d) *There is hereby created within the California Health and*
22 *Human Services Agency the Division of Juvenile Justice which*
23 *shall be headed by the Chief Deputy Secretary for Juvenile Justice.*
24 *There is hereby created within the Division of Juvenile Justice the*
25 *Division of Juvenile Facilities, the Division of Juvenile Programs,*
26 *and the Division of Juvenile Parole Operations. Each of those*
27 *three divisions shall be headed by a chief, who shall be appointed*
28 *by the Governor, at the recommendation of the secretary, subject*
29 *to Senate confirmation, who shall serve at the pleasure of the*
30 *Governor.*

31 (e) (1) *Commencing January 1, 2010, any reference to the*
32 *Department of Corrections and Rehabilitation, Division of Juvenile*

1 *Justice refers to the California Health and Human Services Agency,*
2 *Division of Juvenile Justice.*

3 (2) *Commencing January 1, 2010, any reference to the*
4 *Department of Corrections and Rehabilitation, Division of Juvenile*
5 *Facilities refers to the California Health and Human Services*
6 *Agency, Division of Juvenile Facilities.*

7 (3) *Commencing January 1, 2010, any reference to the*
8 *Department of Corrections and Rehabilitation, Division of Juvenile*
9 *Programs refers to the California Health and Human Services*
10 *Agency, Division of Juvenile Programs.*

11 (4) *Commencing January 1, 2010, any reference to the*
12 *Department of Corrections and Rehabilitation, Division of Juvenile*
13 *Parole Operations refers to the California Health and Human*
14 *Services Agency, Division of Juvenile Parole Operations.*

15 SEC. 2. *Section 12838 of the Government Code is amended to*
16 *read:*

17 12838. (a) There is hereby created in state government the
18 Department of Corrections and Rehabilitation, to be headed by a
19 secretary, who shall be appointed by the Governor, subject to
20 Senate confirmation, and shall serve at the pleasure of the
21 Governor. The Department of Corrections and Rehabilitation shall
22 consist of Adult Operations, Adult Programs, ~~Juvenile Justice~~, the
23 Corrections Standards Authority, the Board of Parole Hearings,
24 the State Commission on Juvenile Justice, the Prison Industry
25 Authority, and the Prison Industry Board.

26 (b) The Governor, upon recommendation of the secretary, may
27 appoint two under secretaries of the Department of Corrections
28 and Rehabilitation, subject to Senate confirmation. The under
29 secretaries shall hold office at the pleasure of the Governor. One
30 undersecretary shall oversee program support and the other
31 undersecretary shall oversee program operations for the department.

32 (c) The Governor, upon recommendation of the secretary, shall
33 appoint ~~three~~ two chief deputy secretaries, subject to Senate
34 confirmation, who shall hold office at the pleasure of the Governor.
35 One chief deputy secretary shall oversee adult operations; ~~and one~~
36 ~~chief deputy secretary shall oversee adult programs; and one chief~~
37 ~~deputy secretary shall oversee juvenile justice for the department.~~

38 (d) The Governor, upon recommendation of the secretary, shall
39 appoint an assistant secretary, subject to Senate confirmation, who

1 shall be responsible for health care policy for the department, and
2 shall serve at the pleasure of the Governor.

3 (e) The Governor, upon recommendation of the secretary, shall
4 appoint an Assistant Secretary for Victim and Survivor Rights and
5 Services, and an Assistant Secretary for Correctional Safety, who
6 shall serve at the pleasure of the Governor.

7 *SEC. 3. Section 12838.3 of the Government Code is repealed.*

8 ~~12838.3. There is hereby created within the Department of~~
9 ~~Corrections and Rehabilitation under the Chief Deputy Secretary~~
10 ~~for Juvenile Justice, the Division of Juvenile Facilities, the Division~~
11 ~~of Juvenile Programs, and the Division of Juvenile Parole~~
12 ~~Operations. Each division shall be headed by a chief, who shall~~
13 ~~be appointed by the Governor, at the recommendation of the~~
14 ~~secretary, subject to Senate confirmation, who shall serve at the~~
15 ~~pleasure of the Governor.~~

16 ~~SECTION 1. Section 13711 of the Penal Code is amended to~~
17 ~~read:~~

18 ~~13711. Whenever a protection order with respect to domestic~~
19 ~~violence incidents, including orders issued pursuant to Section~~
20 ~~136.2 and restraining orders, is applied for or issued, it shall be~~
21 ~~the responsibility of the clerk of the superior court to deliver a~~
22 ~~pamphlet to the person who is to be protected by the order that~~
23 ~~includes the following:~~

24 ~~(a) Information as specified in paragraph (9) of subdivision (e)~~
25 ~~of Section 13701.~~

26 ~~(b) Notice that it is the responsibility of the victim to request~~
27 ~~notification of an inmate's release.~~

28 ~~(c) Notice that the terms and conditions of the protection order~~
29 ~~remain enforceable, notwithstanding any acts of the parties, and~~
30 ~~may be changed only by order of the court.~~

31 ~~(d) Notice that the protection order is enforceable in any state,~~
32 ~~in a commonwealth, territory, or insular possession subject to the~~
33 ~~jurisdiction of the United States, or on a reservation, and general~~
34 ~~information about agencies in other jurisdictions that may be~~
35 ~~contacted regarding enforcement of a protective order issued by~~
36 ~~a court of this state.~~